### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

WYETH, a Delaware corporation,	)	
Plaintiff,	)	
VS.	)	C.A. No. 06-663-SLR
CORDIS CORPORATION, a Florida corporation,	)	
Defendant.	) ) )	

PLAINTIFF'S SUPPLEMENTAL SUBMISSION IN OPPOSITION TO DEFENDANT CORDIS CORPORATION'S "MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(B)(1) OR, IN THE ALTERNATIVE, TO DISMISS OR STAY THIS ACTION PENDING RESOLUTION OF THE CO-PENDING ACTION IN THE DELAWARE COURT OF CHANCERY"

On February 12, 2007, plaintiff Wyeth filed its answering brief in opposition to Cordis's motion to dismiss (D.I. 24). After Wyeth filed that brief, it located the attached Annual Reports filed by Cordis with the Florida Secretary of State for each year from 2002 to 2006 (Exs. A-E). Each of those reports was signed by a Cordis Vice President and each certified (in an affirmation made "with the same legal effect as if made under oath") that Cordis's "Principal Place of Business" was Miami Lakes, Florida. These documents confirm that Cordis's principal place of business is in Florida and, accordingly, that there is diversity jurisdiction.

Before it filed its Opposition, Wyeth sought from Cordis (on December 5, 2006): "All documents prepared by or on behalf of Cordis since 2000 describing the location of Cordis's principal place of business as Florida." (Wyeth Doc. Req. 4). In response, on January 4, 2007, Cordis agreed to produce non-privileged, responsive documents. Cordis did not, however, produce to Wyeth the Annual Reports attached as Exhibits A-E. Because Wyeth just

located these documents, after the filing of its answering brief, it submits them for consideration by the Court.

#### MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014) Rodger D. Smith II (#3778) 1201 N. Market Street P.O. Box 1347 Wilmington, DE 19801 (302) 658-9200 Attorneys for Plaintiff Wyeth

#### Of Counsel:

William F. Lee
WILMER CUTLER PICKERING
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(617) 526-6000

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William G. McElwain
Amy Kreiger Wigmore
Tracey C. Allen
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 663-6000

February 20, 2007

#### CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on February 20, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Richard L. Renck Ashby & Geddes rrenck@ashby-geddes.com

I also certify that copies were caused to be served on February 20, 2007 upon the following in the manner indicated:

#### **BY HAND**

Steven J. Balick Richard L. Renck ASHBY & GEDDES 222 Delaware Ave. P.O. Box 1150 Wilmington, DE 19899

Lawrence C. Ashby

#### **BY EMAIL**

Gregory L. Diskant

gldiskant@pbwt.com
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Irena Royzman
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Patrick S. Almonrode
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Rosa E. Son
reson@pbwt.com
PATTERSON, BELKNAP, WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

## EXHIBIT A

## 2006 FOR PROFIT CORPORATION

DO NOT WRITE IN THIS SPACE

DOCUMENT # 223417

1. Entity Name

CORDIS CORPORATION

Principal Place of Business

MIAMI LAKES, FL 33014

14201 NW GOTH AVE

P.O. BOX 025700

Mailing Address

14201 NW 60TH AVE P.O. BOX 025700 MIAMI LAKES, FL 33014 FILED
Mar 13, 2006 08:00 A
Secretary of State



01192006

No Chg-P

CR2E034 (11/05)

4. FEI Number 59-0870525

Applied Fo

5. Certificate of Status Desired

\$8.75 Additional Fee Required

6. Name and Address of Current Registered Agent

CT CORPORATION SYSTEM 1200 SOUTH PINE ISLAND ROAD PLANTATION, FL 33324

#### DO NOT WRITE IN THIS SPACE

8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am (smiller with, and acc the obligations of registered agent.

SIGNATURE

Signature, report or printed name of registered agent and Nile if applicable

MOTE. Registered Agent separate required when renessing)

DATE

FILE NOWILL FEE IS \$150.00

9. Election Campaign Financing
Added to Fees

11/11/11/11/14/14/15/1

Added to Fees

13/23/06-30008-025/158.35

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DO NOT WRITE IN THIS SPACE

12. I hereby certify that the information supplied with this filing does not quality for the exemptions contained in Chapter 119, Florida Statutes. I further certify that the information discassed on this report or suppliermental report is true and accurate and that my signature shall have the same legal effect as if made under cath; that I am an officer or direct of the corporation or the receiver or house empowered procure this report as required by Chapter 607, Florida Statutes; and that my name appears in Block 10 or Block changed, or on an attackageth, with an address, with a stores.

SIGNATURE:

ATURE ON TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTO

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786-313-8401

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## EXHIBIT B

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2005 FOR PROFIT CORPORATION ANNUAL REPORT (AR)

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~	CORRORATION OVERTOR		Name				
120	CORPORATION SYSTEM DO SOUTH PINE ISLAND RO ANTATION FL 33324	DAD	Street A	Address (P.C	D. Box Number is Not Accept	able)	
			City			gran g	Zip Code
8. The above the obligation	e named entity submits this statement ations of registered agent.	or the purpose of changing it	s registered office o	r registered	agent, or both, in the State of	f Florida. I am famili	ar with, and accep
SIGNATURE	Signature, typed or printed name of registered eger	(C/I) eideprigge Is ebit one I	IE Registered Agent signal	lute tequiped who	Ill to CK (2 hour)	DATE	<i>V</i>
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SIGNAT	11/4	Grati Sose	PH L. PRA		1/28/05		313.8900
		RINTED NAME OF SIGNING OFFICER			Onto	760	,,,,,,,,,,

## EXHIBIT C

## 2004 FOR PROFIT CORPORATION

#### ANNUAL REPORT DOCUMENT # 223417



## **FILED** May 03, 2004 8:00 an Secretary of State

1. Entity Nati CORDIS	CORPORATION		• :			· . : ,	05-03-2004	90753 0	47 ***1	50.00
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	ce of Business	Mailing Address		775	·.					
P.O. BOX 02 MIAMI LAKE		14201 NW 60TH AVE P.O. BOX 025700 MIAMI LAKES, FL 33			.: .	A PROPERTY AND		·:		
2. Principal	Place of Business	3. Mailing Address	•		:					
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CT CORP	ORATION SYSTEM			Name	į.				the second of	
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186-313-8900

## EXHIBIT D

# FILED Mar 21, 2003 8:00 am Secretary of State 03-21-2003 90076 012 \*\*\*158.75

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DOCU	MENT # 223417		/		
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z. Principal P	Place of Business	3. Mailing Address			
Suite, Apt	. #, etc.	Suite, Apt. 8, etc.			CHECK HERE IF WAKING CHANGES
City & Sta	de .	City & State			4. FEI Number Applied For 59-0870525 / Not Applied by Not Applicable
Zip	- Country	2ip .	Coun	try	5. Certificate of Status Desired \$8.75 Additional Fee Required
	6. Name and Address of Current	Registered Agent		Name	7. Name and Address of New Registered Agent
200 SOUT	ORATION SYSTEM TH PINE ISLAND ROAD ON, FL 33324				P.O. Box Number is Not Acceptable)
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8. The shows	named entity submits this statement for	the purpose of changing its	registe re	ed office or register	ed agent, or both, in the State of Florida. I am familiar with, and accept
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of the cor	on this report or supplemental report is portation or the receiver of trustee emporal, or on an attachment with an address, y	true and socurate and that in weired to execute this report in the all other like empoyered.	ry signat as requi	ture shall have the s red by Chapter 607	ction 119.07(3)(i). Fiorida Statules. I further certify that the information same legal effect as if made under oath; that i are an officer or dispotor. Florida Statules; and that my name appears in Block 10 or Block 11 if

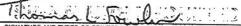
## EXHIBIT E

#### 2002 UNIFORM BUSINESS REPORT (UBR)

#### Feb 25, 2002 8:00 am DOCUMENT # 223417 Secretary of State 1. Entity Name CORDIS CORPORATION 02-25-2002 90027 010 \*\*\*158 75 Principal Place of Business Mailing Address 14201 NW 60TH AVE 14201 NW 60TH AVE P.O. BOX 025700 P.O. BOX 025700 MIAMI LAKES FL 33014 MIAMI LAKES FL 33014 2. Principal Place of Business 3. Mailing Address Suite, Apt. #, etc. Suite, Apt. #, etc. DO NOT WRITE IN THIS SPACE City & State City & State 4. FEI Number Applied For 59-0870525 Not Applicable Zip Zip Country \$8.75 Additional 5. Certificate of Status Desired Ø Fee Required 6. Name and Address of Current Registered Agent 7. Name and Address of New Registered Agent - CT CORPORATION: SYSTEM-Street Address (P.O. Box Number is Not Acceptable) 1200 SOUTH PINE ISLAND ROAD PLANTATION FL 33324 Zip Code 8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. SIGNATURE Signature, typed or printed name of registered agent and title if applicable. (NOTE: Registered Agent signature required when reinstating) DATE 9. This corporation is eligible to satisfy its Intangible FILE NOW!!! FEE IS \$150.00 10. Election Campaign Financing Tax filing requirement and elects to do so. \$5.00 May Be After May 1, 2002 Fee will be \$550.00 Trust Fund Contribution. (See criteria on back) Added to Fees Make Check Payable to Department of State 11. OFFICERS AND DIRECTORS 12. ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS IN 11 TITLE ☐ Delete TITLE Change ☐ Addition FOWLER, THOMAS NAME NAME STREET ADDRESS 14201 NW 60TH AVE STREET ADDRESS CITY-ST-ZIP **MIAMI FL 33014** CITY-ST-ZIP TITLE ☐ Delete AS TITLE X Change ☐ Addition NAME HILTON, JAMES NAME STREET ADDRESS ONE JOHNSON&JOHNSON PLAZA STREET ADDRESS CITY-ST-ZIP NEW BRUNSWICK NJ 08933 CITY-ST-7IP JITLE DVP X Delete TITLE DCM ☐ Change Addition NAME ORBAN, JOSEPH CROCE, R.W. NAME STREET ADDRESS ONE JOHNSON & JOHNSON STREET ADDRESS ONE JOHNSON & JOHNSON CITY-ST-ZIP NEW BRUNSWICK NJ CITY-ST-7IP NEW BRUNSWICK, NJ AT ☐ Delete TITLE Change | ☐ Addition NAME REICHERT, FREDERICK NAME STREET ADDRESS ONE JOHNSON & JOHNSON STREET ADDRESS CITY-ST-ZIP NEW BRUNSWICK NJ TITLE AT Delete Change ☐ Addition PRATI, JOSEPH NAME STREET ADDRESS ONE JOHNSON & JOHNSON STREET ADDRESS CITY-ST-ZIP NEW BRUNSWICK NJ CITY-ST-ZIP TITLE DVPS X Delete TITLE DVPS ☐ Change X Addition NAME GALLOWAY, PETER S ROTH, NAME E STREET ADDRESS JOHNSON & JOHNSON, 1 JOHNSON & JOHNSON PL ONE JOHNSON & JOHNSON STREET ADDRESS CITY-ST-ZIP NEW BRUNSWICK NJ 08933 CITY-ST-ZIP NEW BRUNSWICK, NJ

13. I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director changed, or on an attachment with an address, with all other like empowered.

SIGNATURE:



Thomas L. Fowler

11/02 305-824-2000